

# EXHIBIT A



## BURLINGTON POLICE DEPARTMENT

1 North Avenue  
Burlington, Vermont 05401

Michael E. Schirling  
Chief of Police

Telephone (802) 658-2704  
Fax (802) 865-7579  
T.D.D. (802) 658-2700

### CITIZEN'S COMPLAINT ADMINISTRATIVE COVER SHEET

Date Received 6-30-09 Complainant [REDACTED]  
Intake Supervisor BYR Incident Date & Time 6-25-09  
Location of Incident CITY HALL PARK  
Officer(s) Involved TRIBBLE  
Description of Complaint: COMPLAINANT OF USING O.C. SPRAY WITHOUT JUSTIFICATION. - O.C. ARREST IN CITY HALL PARK  
Incident Category: USE OF FORCE  
Date Initial Letter Sent to Complainant VERBAL - 6-30-09  
Assigned Investigator DUFFY BIA # Admin. Review  
Reviewing Supervisor DUFFY Date 8-10-09  
Date Closed with Employee(s) 8-10-09 Disposition NON-PROSECUTED  
Date Closure Letter Sent to Complainant NA - TRANSPARENT - NO ADDRESS.

USE OF FORCE APPROVED BY OK, UPON REVIEW  
NO VIOLATION TO POLICIES OR PROCEDURES.  
SUSPECT APPEARED IN COURT ON 8-4-09 FOR ARREST.

*JMS*  
8/24/09

"We are committed to policing with the Citizens of Burlington to achieve a safe, healthy and self-reliant community."

DEF-00000762

**CITIZEN'S COMPLAINT ADMINISTRATIVE  
COVER SHEET**

Date Received 06/30/2009 Complainant [REDACTED]

Intake Supervisor Sgt Baur Incident Date & Time 06/25/2009 @ 1616

Location of Incident City hall Park 2009-14453

Officer(s) Involved Cpl Thibault, [REDACTED]

**Description of Complaint:**

Complainant called on 06/30 at about 1100 interested in filing a complaint on Cpl Thibault. He told me that last Thursday he was in City Hall Park and was sprayed with pepper spray by Cpl Thibault for no reason. He told me that he has areas of injury on his wrists from the cuffs being too tight and that he was brought to the hospital and left there for some time. He told me that Officer Cousins showed up at the hospital and issued him a citation for DC.

He claimed to have no idea why this occurred to him and felt that he should not have been sprayed. I told him that I needed to look at the report and would call him back. After reading the report I called him. We did not discuss the incident in this call however I invited him to the PD if he were interested in filing a complaint. He seemed hesitant to do this so I asked him what he was looking for from this call and he told me that he wanted the charge dropped. I explained to him that the charge would stand as is but again invited him in to file a complaint if he wished. He told me that he would be in either later today or tomorrow. I gave him my name and schedule and told him that I would meet with him then. He would not commit to a time he may come in. he told me that Cpl Glynn arrived after he had been sprayed.

**Incident Category:**

Date Initial Letter Sent to Complainant \_\_\_\_\_

Assigned Investigator \_\_\_\_\_ BIA # \_\_\_\_\_ / Admin. Review

Reviewing Supervisor \_\_\_\_\_ Date \_\_\_\_\_

Date Closed with Employee(s) \_\_\_\_\_ Disposition \_\_\_\_\_

Date Closure Letter Sent to Complainant \_\_\_\_\_

*"We are committed to policing with the Citizens of Burlington to achieve a safe, healthy and self-reliant community."*

Form No. 332  
CitationSTATE OF VERMONT  
District Court of Vermont  
CITATION

County

CHITTENDEN

TO

DOB 4/23/75

BY THE AUTHORITY OF THE STATE OF VERMONT, you are hereby ordered to appear before a Judicial Officer at the District Court of Vermont, at the following time and place:

Date	8/4/09	Time	08:15 am	Unit	II	Circuit	CHITTENDEN
Town/City	BURLINGTON	County	CHITTENDEN	to answer to the charge of			
Offense	DISORDERLY CONDUCT						

An information charging you with this offense will be presented at the time of your appearance.

IF YOU DO NOT APPEAR AT THE TIME AND PLACE ORDERED, A WARRANT WILL BE ISSUED FOR YOUR ARREST AND YOU MAY BE SUBJECT TO ADDITIONAL CHARGES AND PENALTIES.

Date Issued:	6/25/09	Town/City	BURLINGTON	County	CHITTENDEN
Signature - Issuing Officer	[Signature] for Det. Thibault		Title/Dept.	OFC BURLINGTON PD	
I received this Citation on:	Date	6/25/09	Signature - Defendant	Explained at FAHC ER	

R 5M 726 VCL

White - Court's Copy

Yellow - Officer's Copy

Pink - Defendant's Copy

DEF-00000764

## BURLINGTON POLICE DEPARTMENT SUPPLEMENTAL AFFIDAVIT

Officer Michael Longevin

CASE #: 09-14453

1. On 6/25/09 at 16:16, Cpl. Thibault and I were clearing from a report of a possibly intoxicated juvenile. Upon clearing from the area, Cpl. Thibault witnessed a male lying on his side on a park bench on the east side of the park. The male was sleeping. Cpl. Thibault attempted to wake the male up verbally several times to check on him, but the male was unresponsive. Thibault then attempted to wake the male up by shaking his right arm. The male woke up and was agitated with the fact that Thibault was trying to wake him up. Cpl. Glynn, who was standing on the other side of the park, later advised me that the male's name was [REDACTED]
2. [REDACTED] stated "Fuck you. Leave me alone." [REDACTED] immediately got up from the bench and stumbled before proceeding westbound across the park. Thibault advised the male to stop so that we could talk with him, but the male was uncooperative. [REDACTED] continued to make his way across the park and away from Thibault. Thibault and I spoke with Cpl. Glynn who advised that he had dealt with the male before for intoxication.
3. [REDACTED] met with several youths who were gathered on a park bench in the center of the park. Thibault and I approached [REDACTED] to advise him that we were taking him into protective custody. I advised [REDACTED] to turn around and that we were taking him into protective custody. [REDACTED] began getting agitated and was pacing back and forth. He said "Fuck you, you're not arresting me." I advised [REDACTED] again to turn around and place his hands behind his back. [REDACTED] refused and began to turn to walk away. Thibault advised [REDACTED] multiple times to comply. [REDACTED] refused to comply. Thibault sprayed OC into [REDACTED]'s eyes. [REDACTED] immediately stopped and stood still. I handcuffed [REDACTED] while he was standing and compliant and double-locked. [REDACTED] began yelling vulgarities multiple times. Thibault and I escorted the male to the sidewalk of College St. while Glynn retrieved our police vehicle from Church St. for transport. Thibault searched [REDACTED] for weapons and contraband for transport.
4. Once on the sidewalk, [REDACTED] collapsed to his knees and began yelling "Fuck you, my knee is bad." [REDACTED] stated that he could not stand up because one of his knees was bad. He did not specify which one to me. Thibault asked Bowen what was wrong with it. He advised again that he had bad knees. Burlington Fire Department arrived to assess [REDACTED]'s knees. He continued to yell and was attracting attention from multiple bystanders in the park as well as on College St. Thibault stood away from [REDACTED] while Burlington Fire Department assessed his knees. [REDACTED] then advised that his knees were injured because Thibault had pushed him. Burlington Fire Department advised that [REDACTED] appeared to be transportable by police vehicle. [REDACTED] stood up and began hopping on one foot while being escorted by Burlington Fire Department personnel, Glynn, and I. We immediately allowed him to lean against the cruiser to rest his knee. Burlington Fire Department again asked [REDACTED] to explain what had happened to his knees. [REDACTED] advised that they both hurt.
5. Burlington Fire Department transferred [REDACTED] by ambulance to Fletcher Allen for evaluation. Before leaving for the hospital, I asked [REDACTED] while in the back of the ambulance, if he wanted [REDACTED], a female that had arrived on scene that knew him, to take possession of the property that was removed from his person during Thibault's search. [REDACTED] was still agitated, but advised that he wanted [REDACTED] to take the items. I turned over all items retrieved from his person to [REDACTED]. We cleared from the scene following this.

(Affiant)

*Michael Longevin*Subscribed and sworn to me before on 6/25/09 at Burlington*[Signature]* 237  
Notary Public (expires 02/10/11)

BURLINGTON POLICE DEPARTMENT  
AFFIDAVIT OF PROBABLE CAUSE FOR ARREST

STATE OF VERMONT) SS.  
COUNTY OF CHITTENDEN)

Now comes Corporal Ethan A. Thibault, affiant, being duly sworn and on oath deposes and says he has probable cause to believe that [REDACTED], herein after referred to as Defendant, has committed the crime of Disorderly Conduct, in violation of Title 23 V.S.A. 1026.

1. On 6/25/09 at approximately 1600 hours, I was in City Hall Park with Cpl. Glynn and Ofc. Longevin investigating a report of an intoxicated juvenile. While the other officers were investigating, I observed the Defendant lying down on a park bench facing the backrest. I approached the subject and said, "Sir, Sir". The subject's eyes were closed and he did not respond. I announced again stating, "Sir, are you ok?" I stated this one more time while shaking his left shoulder.
2. At that time, the Defendant jumped up and began yelling but I wasn't sure what he was saying. I immediately detected a strong odor of intoxicants. He began walking quickly from me, turning around, and pacing back and forth. I asked him if he was okay and requested him to come speak to me. He continued yelling something about sleep. I asked Cpl. Glynn if he knew the subject and he advised he knew him as [REDACTED]. I asked the Defendant to relax and to come speak with me. He ignored me and walked to another park bench and began speaking with several other subjects. The Defendant was unbalanced and swayed while he was standing still. He continued to yell and raise his arms shaking them in exclamation.
3. I advised Ofc. Longevin that we would be taking the Defendant into protective custody. I then advised the Defendant that we would be placing him into protective custody. He then yelled something about jail. Ofc. Longevin then began to explain the protective custody procedure to the Defendant. I then advised the Defendant that he was now in protective custody. Ofc. Longevin ordered the Defendant to turn around twice. The Defendant ignored the officer and fumbled with a bag of cigarette tobacco. I then ordered the Defendant to drop the bag and to turn around and place his hands behind his back. The Defendant ignored my order. I then pointed a bottle of OC spray toward the Defendant and ordered him to turn around again. The Defendant yelled, "Go ahead and mace me." I ordered the Defendant to turn around one last time. The Defendant didn't move. I then sprayed the Defendant's face with OC. I then secured the Defendant right arm and placed it behind his back. Ofc. Longevin then took control of the Defendant's left arm and placed him in handcuffs.
4. Ofc. Longevin and I then began to escort the Defendant toward the intersection of College St. and St. Paul St. where Cpl. Glynn had parked our patrol vehicle. I stopped the Defendant in the northwest corner of the park where I searched him for weapons. All throughout this process, and the process of escorting the Defendant, he yelled, attracting the attention of multiple park patrons. The Defendant yelled things such as, "Fuck you, you fucking faggot, who fucking maced me?, fuck you, I'll have your fucking job, call my fucking lawyer"
5. After searching the Defendant, we began to escort him across the sidewalk to the patrol vehicle. Once stepping onto the concrete, the Defendant collapsed toward the ground. I told him to get up and I attempted to pull him upward. He then yelled, "my fucking knee, I have a bad knee." I allowed the Defendant to stay where he was and Cpl. Glynn contacted rescue at my request. The Defendant continued to yell, "Fuck you, fuck you, I'll have your job, you maced me for no fucking reason". On two occasions, the Defendant began to kick but did not strike anyone. The Defendant also spat multiple times in between yelling. While on the ground, Cpl. Glynn poured water on the Defendant's face in an attempt to decontaminate him. Cpl. Glynn also read the Defendant the OC spray administrative warning. Burlington Fire Dept. personnel responded to the scene. The Defendant continued to yell at rescue personnel, demanding to know who the "tall blond faggot" was who "maced" him. After approximately five minutes of rescue personnel trying to reason with the Defendant, the Defendant complied enough to be placed in an ambulance and was transported to the emergency room.
6. At approximately 1800 hours, the Defendant was issued a citation for disorderly conduct by Ofc. Cousins.

(Affiant) [Signature]

Subscribed and sworn to me before on 6/29/09, at Burlington

[Signature]  
Notary Public (expires 02/10/11)

BURLINGTON POLICE DEPARTMENT  
AFFIDAVIT OF PROBABLE CAUSE FOR ARREST

STATE OF VERMONT) SS.  
COUNTY OF CHITTENDEN)

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6. At approximately 1800 hours, the Defendant was issued a citation for disorderly conduct by Ofc. Cousins.

(Affiant) 

Subscribed and sworn to me before on 6/27/09 at Burlington

  
Notary Public (expires 02/11/11)

**Decker, Walter C.**

---

**From:** Schirling, Michael E.  
**Sent:** Monday, June 29, 2009 7:27 PM  
**To:** Joe Reinert  
**Cc:** Decker, Walter C.; Higbee, Andi L.  
**Subject:** Re: complaint call

Received  
We will take a look

On Jun 29, 2009, at 19:01, "Joe Reinert"  
<JReinert@ci.Burlington.vt.us> wrote:

> Mike - welcome back (hopefully you were able to actually leave?).  
> Got a  
> call from a man named [REDACTED] who said he was sleeping in City  
> Hall park last Thurs, was woken up by and Officer Tribault, and said  
> he then rolled a cigarette and was "maced" by the Officer without any  
> cause. He ended up going to the hospital in cuffs and given a  
> Disorderly citation.  
> His address is [REDACTED] and phone # [REDACTED].  
>  
> I said we normally refer complaints about officers to the Police  
> Chief.  
> He said he would call tomorrow but I'm passing along as an FYI.  
>  
> Joe  
>

**Incident Number: 2009-00014463 ORI: VT0040100 Document Description: Longevin.sup**

On 6/25/09 at 16:16, Cpl. Thibault and I were clearing from a report of a possibly intoxicated juvenile. Upon clearing from the area, Cpl. Thibault witnessed a male lying on his side on a park bench on the east side of the park. The male was sleeping. Cpl. Thibault attempted to wake the male up verbally several times to check on him, but the male was unresponsive. Thibault then attempted to wake the male up by shaking his right arm. The male woke up and was agitated with the fact that Thibault was trying to wake him up. Cpl. Glynn, who was standing on the other side of the park, later advised me that the male's name was [REDACTED].

[REDACTED] stated "Fuck you. Leave me alone." Bowen immediately got up from the bench and stumbled before proceeding westbound across the park. Thibault advised the male to stop so that we could talk with him, but the male was uncooperative. [REDACTED] continued to make his way across the park and away from Thibault. Thibault and I spoke with Cpl. Glynn who advised that he had dealt with the male before for intoxication.

[REDACTED] met with several youths who were gathered on a park bench in the center of the park. Thibault and I approached [REDACTED] to advise him that we were taking him into protective custody. I advised [REDACTED] to turn around and that we were taking him into protective custody. [REDACTED] began getting agitated and was pacing back and forth. He said "Fuck you, you're not arresting me." I advised [REDACTED] again to turn around and place his hands behind his back. [REDACTED] refused and began to turn to walk away. Thibault advised [REDACTED] multiple times to comply. [REDACTED] refused to comply. Thibault sprayed OC into [REDACTED]'s eyes. [REDACTED] immediately stopped and stood still. I handcuffed [REDACTED] while he was standing and compliant and double-locked. [REDACTED] began yelling vulgarities multiple times. Thibault and I escorted the male to the sidewalk of College St. while Glynn retrieved our police vehicle from Church St. for transport. Thibault searched [REDACTED] for weapons and contraband for transport.

Once on the sidewalk, [REDACTED] collapsed to his knees and began yelling "Fuck you, my knee is bad." [REDACTED] stated that he could not stand up because one of his knees was bad. He did not specify which one to me. Thibault asked [REDACTED] what was wrong with it. He advised again that he had bad knees. Burlington Fire Department arrived to assess [REDACTED]'s knees. He continued to yell and was attracting attention from multiple bystanders in the park as well as on College St. Thibault stood away from [REDACTED] while Burlington Fire Department assessed his knees. [REDACTED] then advised that his knees were injured because Thibault had pushed him. Burlington Fire Department advised that [REDACTED] appeared to be transportable by police vehicle. [REDACTED] stood up and began hopping on one foot while being escorted by Burlington Fire Department personnel, Glynn, and I. We immediately allowed him to lean against the cruiser to rest his knee. Burlington Fire Department again asked [REDACTED] to explain what had happened to his knees. [REDACTED] advised that they both hurt.

Burlington Fire Department transferred [REDACTED] by ambulance to Fletcher Allen for evaluation. Before leaving for the hospital, I asked [REDACTED], while in the back of the ambulance, if he wanted [REDACTED] a female that had arrived on scene that knew him, to take possession of the property that was removed from his person during Thibault's search. [REDACTED] was still agitated, but advised that he wanted [REDACTED] to take the items. I turned over all items retrieved from his person to [REDACTED]. We cleared from the scene following this.

Incident Number: 2009-00014453 ORI: VT0040100 Document Description: Longevin.sup

On 6/25/09 at 16:16, Cpl. Thibault and I were clearing from a report of a possibly intoxicated juvenile. Upon clearing from the area, Cpl. Thibault witnessed a male lying on his side on a park bench on the east side of the park. The male was sleeping. Cpl. Thibault attempted to wake the male up verbally several times to check on him, but the male was unresponsive. Thibault then attempted to wake the male up by shaking his right arm. The male woke up and was agitated with the fact that Thibault was trying to wake him up. Cpl. Glynn, who was standing on the other side of the park, later advised me that the male's name was [REDACTED].

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**Burlington Police Department Subject Management Report**

<b>Incident No.</b>	<b>Date</b>	<b>Officer</b>	<b>Subject Name</b>	<b>DOB</b>
2009-14453a	6/25/2009	THIBAUT		4/23/1975
<b>Address</b>	<b>Home Phone</b>	<b>Work Phone</b>		
transient				

**1. ESCALATION OF FORCE/ INSTRUMENT USED:**

<b>Verbal Commands</b>	<input checked="" type="checkbox"/>	<b>Verbal Commands Effective?</b>	<input type="radio"/> Yes <input type="radio"/> No
<b>Chemical Weapons</b>	<input checked="" type="checkbox"/>	<b>Chemical Weapons Effective?</b>	<input type="radio"/> Yes <input type="radio"/> No
<b>Taser Device</b>	<input type="checkbox"/>	<b>Taser Device Effective?</b>	<input type="radio"/> Yes <input type="radio"/> No
<b>Restraint Techniques</b>	<input type="checkbox"/>	<b>Restraint Techniques Effective?</b>	<input type="radio"/> Yes <input type="radio"/> No
<b>Impact Weapon</b>	<input type="checkbox"/>	<b>Impact Weapon Effective?</b>	<input type="radio"/> Yes <input type="radio"/> No
<b>PR-24</b>	<input type="radio"/> Yes <input type="radio"/> No	<b>MEB</b>	<input type="radio"/> Yes <input type="radio"/> No
		<b>MDTS</b>	<input type="radio"/> Yes <input type="radio"/> No
<b>Other</b>	<input type="radio"/> Yes <input type="radio"/> No	<b>Other Description</b>	
<b>Tire Deflation Device</b>	<input type="checkbox"/>	<b>Tire Deflation Device Effective?</b>	<input type="radio"/> Yes <input type="radio"/> No
<b>Fire Arm</b>	<input type="checkbox"/>	<b>Fire Arm Effective?</b>	<input type="radio"/> Yes <input type="radio"/> No

**2. ACTIONS OF SUSPECT:**

<b>Cooperative</b>	<input type="checkbox"/>	<b>Active Resistant</b>	<input checked="" type="checkbox"/>	<b>Armed with Weapon</b>	<input type="checkbox"/>
<b>Passive Resistant</b>	<input checked="" type="checkbox"/>	<b>Assaultive</b>	<input type="checkbox"/>	<b>Describe Weapon</b>	

**3. REASON FOR USE OF FORCE:**

<b>Necessary to effect Arrest</b>	<input checked="" type="checkbox"/>	<b>Necessary in defense of another</b>	<input type="checkbox"/>	<b>Investigative detention</b>	<input type="checkbox"/>
<b>Necessary in defense of self</b>	<input type="checkbox"/>	<b>Necessary for protective custody</b>	<input checked="" type="checkbox"/>		

**4. MEDICAL DISPOSITION OF SUSPECT:**

<b>Unnecessary</b>	<input type="checkbox"/>	<b>Eye Wash</b>	<input checked="" type="checkbox"/>
<b>Medical Attention</b>	<input checked="" type="checkbox"/>	<b>Hospitalization</b>	<input type="checkbox"/>

**5. DISPOSITION OF SUSPECT:**

<b>Citation/VCOA/TC</b>	<input type="checkbox"/>	<b>Flash Cited</b>	<input type="checkbox"/>	<b>Released</b>	<input type="checkbox"/>
<b>Logged</b>	<input type="checkbox"/>	<b>Medical-Psychiatric Evaluation</b>	<input type="checkbox"/>	<b>Act One</b>	<input type="checkbox"/>

**6. MEDICAL DISPOSITION OF OFFICER:**

<b>Unnecessary</b>	<input checked="" type="checkbox"/>	<b>Eye Wash</b>	<input type="checkbox"/>
<b>Medical Attention</b>	<input type="checkbox"/>	<b>Hospitalization</b>	<input type="checkbox"/>

**7. Supp Report:**

On 6/25/09 at approx. 1600 hours, I was in City Hall park with Cpl. Glynn and Ofc. Longevin investigating a report of an intoxicated juvenile. While the other officers

**Officers Present** Longevin, Glynn

**Witnesses**

**Supervisor:** DUFFY

☐

**Approved**

I have reviewed this incident and have concluded that the officers' actions were in compliance with the Use of Force Policy.

On 6/25/09 at approx. 1600 hours, I was in City Hall park with Cpl. Glynn and Ofc. Longevin investigating a report of an intoxicated juvenile. While the other officers were investigating, I observed the Defendant lying down on a park bench facing the back rest. I approached the subject and said, "Sir, Sir". The subject's eyes were closed and he did not respond. I announced again stating, "Sir, are you ok.?" I stated this once more time while shaking his left shoulder.

At that time, the Defendant jumped up and began yelling but I wasn't sure what he was saying. I immediately detected a strong odor of intoxicants. He began walking quickly from me, turning around, and pacing back and forth. I asked him if he was okay and requested him to come speak to me. He continued yelling something about sleep. I asked Cpl. Glynn if he knew the subject and he advised he knew him as [REDACTED]. I asked the Defendant, to relax and to come speak with me. He had ignored me and walked to another park bench and began speaking with several other subjects. The Defendant was unbalanced and swayed while he was standing still. He continued to yell and raise his arms shaking them in exclamation.

I advised Ofc. Longevin that we would be taking the Defendant into protective custody. I then advised the Defendant that we would be placing him into protective custody. He then yelled something about jail. Ofc. Longevin then began to explain to him something about protective custody. I then advised the Defendant that he was now in protective custody. Ofc. Longevin ordered the Defendant to turn around twice. The Defendant ignored the officer and fumbled with a bag of cigarette tobacco. I then ordered the Defendant to drop the bag and to turn around and place his hands behind his back. The Defendant ignored my order. I then pointed a bottle of OC spray toward the Defendant and ordered him to turn around again. The Defendant yelled, "Go ahead and mace me." I ordered the Defendant to turn around one last time. The Defendant didn't move. I then sprayed the Defendant's face with OC. I then secured the Defendant right arm and placed it behind his back. Ofc. Longevin then took control of the Defendant's left arm and placed him in handcuffs.

Ofc. Longevin and I then began to escort the Defendant toward the intersection of College St. and St. Paul St. where Cpl. Glynn had parked our patrol vehicle. I stopped the Defendant in the north west corner of the park where I search him for weapons. All throughout this process, and the process of escorting the Defendant, he yelled attracting the attention of multiple park patrons. The Defendant yelled things such as, "Fuck you, you fucking faggot, who fucking maced me, fuck you, I'll have your fucking job, call my fucking lawyer"

After searching the Defendant, we began to escort him across the sidewalk to the patrol vehicle. Once stepping onto the concrete, the Defendant collapsed toward the ground. I told him to get up and I attempted to pull him upward. He then yelled, "my fucking knee, I have a bad knee." I allowed the Defendant to stay where he was and Cpl. Glynn contacted rescue at my request. The Defendant continued to yell, "Fuck you, fuck you, I'll have your job". On two occasions, the Defendant began to kick but did not strike anyone. The Defendant also spat multiple time in between yelling. While on the ground,

Cpl. Glynn poured water on the Defendant's face in an attempt to decontaminate him. Cpl. Glynn also read the Defendant the OC spray administrative warning. Burlington Fire Dept. personnel responded to the scene. The Defendant continued to yell at rescue personnel demanding to know who the "tall blond faggot" was who "maced" him. After approximately five minutes of rescue personnel trying to reason with the Defendant, the Defendant complied enough to be placed in an ambulance and transported to the emergency room.

At approximately 1800 hours, the Defendant was issued a citation for disorderly conduct by Ofc. Cousins.

## Burlington Police Department Subject Management Report

Incident No.	Date	Officer	Subject Name	DOB
2009-14453b	6/25/2009	LONGEVIN		4/23/1975

Address	Home Phone	Work Phone
Transient		

## 1. ESCALATION OF FORCE/ INSTRUMENT USED:

Verbal Commands	<input checked="" type="checkbox"/>	Verbal Commands Effective?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Chemical Weapons	<input type="checkbox"/>	Chemical Weapons Effective?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Taser Device	<input type="checkbox"/>	Taser Device Effective?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Restraint Techniques	<input checked="" type="checkbox"/>	Restraint Techniques Effective?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Impact Weapon	<input type="checkbox"/>	Impact Weapon Effective?	<input type="radio"/> Yes <input checked="" type="radio"/> No
PR-24	<input type="radio"/> Yes <input checked="" type="radio"/> No	MEB	<input type="radio"/> Yes <input checked="" type="radio"/> No
Other	<input type="radio"/> Yes <input checked="" type="radio"/> No	MDTS	<input type="radio"/> Yes <input checked="" type="radio"/> No
Other Description:			

Tire Deflation Device	<input type="checkbox"/>	Tire Deflation Device Effective?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Fire Arm	<input type="checkbox"/>	Fire Arm Effective?	<input type="radio"/> Yes <input checked="" type="radio"/> No

## 2. ACTIONS OF SUSPECT:

Cooperative	<input type="checkbox"/>	Active Resistant	<input checked="" type="checkbox"/>	Armed with Weapon	<input type="checkbox"/>
Passive Resistant	<input checked="" type="checkbox"/>	Assaultive	<input type="checkbox"/>	Describe Weapon	

## 3. REASON FOR USE OF FORCE:

Necessary to effect Arrest	<input checked="" type="checkbox"/>	Necessary in defense of another	<input type="checkbox"/>	Investigative detention	<input type="checkbox"/>
Necessary in defense of self	<input type="checkbox"/>	Necessary for protective custody	<input checked="" type="checkbox"/>		

## 4. MEDICAL DISPOSITION OF SUSPECT:

Unnecessary	<input type="checkbox"/>	Eye Wash	<input checked="" type="checkbox"/>
Medical Attention	<input checked="" type="checkbox"/>	Hospitalization	<input type="checkbox"/>

## 5. DISPOSITION OF SUSPECT:

Citation/MCO/MTC	<input type="checkbox"/>	Flash Card	<input type="checkbox"/>	Released	<input type="checkbox"/>
Lodged	<input type="checkbox"/>	Medical/Psychiatric Evaluation	<input type="checkbox"/>	Act One	<input type="checkbox"/>

## 6. MEDICAL DISPOSITION OF OFFICER:

Unnecessary	<input checked="" type="checkbox"/>	Eye Wash	<input type="checkbox"/>
Medical Attention	<input type="checkbox"/>	Hospitalization	<input type="checkbox"/>

## 7. Supp Report:

On 6/25/09 at 16:16, Cpl. Thibault and I were clearing from a report of a possibly intoxicated juvenile. Upon clearing from the area, Cpl. Thibault witnessed a male being

Officers Present Thibault, Glynn

Witnesses

Supervisor DUFFY

☐ Approved

I have reviewed this incident and have concluded that the officer's actions were in compliance with the Use of Force Policy.

On 6/25/09 at 16:16, Cpl. Thibault and I were clearing from a report of a possibly intoxicated juvenile. Upon clearing from the area, Cpl. Thibault witnessed a male lying on his side on a park bench on the east side of the park. The male was sleeping. Cpl. Thibault attempted to wake the male up verbally several times to check on him, but the male was unresponsive. Thibault then attempted to wake the male up by shaking his right arm. The male woke up and was agitated with the fact that Thibault was trying to wake him up. Cpl. Glynn, who was standing on the other side of the park, later advised me that the male's name was [REDACTED]

Bowen stated "Fuck you. Leave me alone." [REDACTED] immediately got up from the bench and stumbled before proceeding westbound across the park. Thibault advised the male to stop so that we could talk with him, but the male was uncooperative. [REDACTED] continued to make his way across the park and away from Thibault. Thibault and I spoke with Cpl. Glynn who advised that he had dealt with the male before for intoxication.

[REDACTED] met with several youths who were gathered on a park bench in the center of the park. Thibault and I approached [REDACTED] to advise him that we were taking him into protective custody. I advised [REDACTED] to turn around and that we were taking him into protective custody. [REDACTED] began getting agitated and was pacing back and forth. He said "Fuck you, you're not arresting me." I advised [REDACTED] again to turn around and place his hands behind his back. [REDACTED] refused and began to turn to walk away. Thibault advised [REDACTED] multiple times to comply. [REDACTED] refused to comply. Thibault sprayed OC into [REDACTED]'s eyes. [REDACTED] immediately stopped and stood still. I handcuffed [REDACTED] while he was standing and compliant and double-locked. [REDACTED] began yelling vulgarities multiple times. Thibault and I escorted the male to the sidewalk of College St. while Glynn retrieved our police vehicle from Church St. for transport. Thibault searched [REDACTED] for weapons and contraband for transport.

Once on the sidewalk, [REDACTED] collapsed to his knees and began yelling "Fuck you, my knee is bad." [REDACTED] stated that he could not stand up because one of his knees was bad. He did not specify which one to me. Thibault asked [REDACTED] what was wrong with it. He advised again that he had bad knees. Burlington Fire Department arrived to assess [REDACTED]'s knees. He continued to yell and was attracting attention from multiple bystanders in the park as well as on College St. Thibault stood away from [REDACTED] while Burlington Fire Department assessed his knees. [REDACTED] then advised that his knees were injured because Thibault had pushed him. Burlington Fire Department advised that [REDACTED] appeared to be transportable by police vehicle. [REDACTED] stood up and began hopping on one foot while being escorted by Burlington Fire Department personnel, Glynn, and I. We immediately allowed him to lean against the cruiser to rest his knee. Burlington Fire Department again asked [REDACTED] to explain what had happened to his knees. [REDACTED] advised that they both hurt.

Burlington Fire Department transferred [REDACTED] by ambulance to Fletcher Allen for evaluation. Before leaving for the hospital, I asked [REDACTED] while in the back of the ambulance, if he wanted [REDACTED] a female that had arrived on scene that knew him, to take possession of the property that was removed from his person during Thibault's search.

██████ was still agitated, but advised that he wanted ██████ to take the items. I turned over all items retrieved from his person to ██████ We cleared from the scene following this.

Burlington Police Department Subject Management Report			
Incident No.	Date	Officer	Subject Name
2009-14453a	6/25/2009	THIBAUT	
Address		Home Phone	Work Phone
transient			
1. ESCALATION OF FORCE/ INSTRUMENT USED:			
Verbal Command Effective?	<input checked="" type="checkbox"/>	Verbal Command Effective?	<input type="radio"/> Yes <input type="radio"/> No
Chemical Weapon?	<input checked="" type="checkbox"/>	Chemical Weapon Effective?	<input type="radio"/> Yes <input type="radio"/> No
Taser Device?	<input type="checkbox"/>	Taser Device Effective?	<input type="radio"/> Yes <input type="radio"/> No
Restraint Techniques?	<input type="checkbox"/>	Restraint Techniques Effective?	<input type="radio"/> Yes <input type="radio"/> No
Impact Weapon?	<input type="checkbox"/>	Impact Weapon Effective?	<input type="radio"/> Yes <input type="radio"/> No
FR-24	<input type="radio"/> Yes <input type="radio"/> No	MEB	<input type="radio"/> Yes <input type="radio"/> No
Other	<input type="radio"/> Yes <input type="radio"/> No	Other Description	
Tire Deflation Device?	<input type="checkbox"/>	Tire Deflation Device Effective?	<input type="radio"/> Yes <input type="radio"/> No
Fire Arm?	<input type="checkbox"/>	Fire Arm Effective?	<input type="radio"/> Yes <input type="radio"/> No
2. ACTIONS OF SUSPECT:			
Cooperative	<input type="checkbox"/>	Active Resistant	<input checked="" type="checkbox"/>
Passive Resistant	<input checked="" type="checkbox"/>	Assaultive	<input type="checkbox"/>
		Armed with Weapon	<input type="checkbox"/>
		Describe Weapon	
3. REASON FOR USE OF FORCE:			
Necessary to effect Arrest	<input checked="" type="checkbox"/>	Necessary in defense of another	<input type="checkbox"/>
Necessary in defense of self	<input type="checkbox"/>	Necessary for protective custody	<input checked="" type="checkbox"/>
		Investigative detention	<input type="checkbox"/>
4. MEDICAL DISPOSITION OF SUSPECT:		5. DISPOSITION OF SUSPECT:	
Unnecessary	<input type="checkbox"/>	Eye Wash	<input checked="" type="checkbox"/>
Medical Attention	<input checked="" type="checkbox"/>	Hospitalization	<input type="checkbox"/>
		Detention W/ SO/ M/ O	<input type="checkbox"/>
		Flash Oiled	<input type="checkbox"/>
		Released	<input type="checkbox"/>
		Logged	<input type="checkbox"/>
		Medical/Psychiatric Evaluation	<input type="checkbox"/>
		Act One	<input type="checkbox"/>
6. MEDICAL DISPOSITION OF OFFICER:		7. Supp Report:	
Unnecessary	<input checked="" type="checkbox"/>	On 6/25/09 at approx. 1800 hours, I was in City Hall park with Cpl. Glynn and Ofc. Longevin investigating a report of an intoxicated juvenile. While the other officers	
Medical Attention	<input type="checkbox"/>		
Officers Present		Longevin, Glynn	
Witnesses			
Supervisor		DUFFY	
		<input checked="" type="radio"/> Approved	
		I have reviewed this incident and have concluded that the officer's actions were in compliance with the Use of Force Policy.	

8-10-09

Mon, Oct 4, 2010 3:27 PM

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**Subject: FW: Neighborhood Special and high speed chase**

**Date:** Monday, October 4, 2010 3:05 PM

**From:** Joe Reinert <JReinert@ci.burlington.vt.us>

**To:** "Schirling, Michael E." MSchirling@bpdvt.org

**Conversation:** Neighborhood Special and high speed chase

We could follow up on this, unless it's something you'd rather the PD do? And I am also resisting a comment about referring the question to a certain other city dept....

Best regards,

Joe Reinert  
Assistant to the Mayor  
Room 34, City Hall  
Burlington, VT 05401  
(802) 865-7275  
jreinert@ci.burlington.vt.us

Office of Mayor Bob Kiss  
<http://www.ci.burlington.vt.us/mayor/>

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**From:** Joe Reinert **On Behalf Of** Margaret Ellis-Green

**Sent:** Monday, October 04, 2010 3:00 PM

**To:** Joe Reinert

**Subject:** FW: Neighborhood Special and high speed chase

Best regards,

Joe Reinert  
Assistant to the Mayor  
Room 34, City Hall  
Burlington, VT 05401  
(802) 865-7275  
jreinert@ci.burlington.vt.us

Office of Mayor Bob Kiss

Page 1 of 2

<http://www.ci.burlington.vt.us/mayor/>

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**From:** Margaret Ellis-Green  
**Sent:** Thursday, September 30, 2010 2:17 PM  
**To:** Joe Reinert; Bob Kiss  
**Subject:** Neighborhood Special and high speed chase

██████████ called ██████████ to complain about the high speed chase yesterday, 9/29, morning on St. Paul Street. Her student was on the bus to Champlain School and witnessed the chase.

Her concern is who is more important students on the way to school or catching drug dealers. Also, what are the City laws regarding high speed chases.

Peggy Ellis-Green

Executive Secretary  
Office of the Mayor  
City Hall  
149 Church Street  
Burlington, VT 05401  
802-865-7272